



Georgia

HOUSE OF REPRESENTATIVES

Thursday
March 7,
2019

DAILY REPORT

28th
Legislative
Day

House Budget & Research Office
(404) 656-5050

- The House will reconvene for its 29th Legislative Day on Friday, March 8 at 10:00 a.m.
- No bills / resolutions are expected to be debated on the floor.

Today on the Floor

Rules Calendar

HB 56 State highway system; alternative fueled vehicles; provide logo for manufacturer's license plates to allow travel in exclusive lanes

Bill Summary: House Bill 56 requires a distinctive logo to be included on a manufacturer's, distributor's, or manufacturer headquarters' license plate for an alternative fueled vehicle. This logo will allow the vehicle to travel in specially-marked alternative fueled vehicle lanes.

Authored By: Rep. Deborah Silcox (52nd)
House Committee: Motor Vehicles

Rule Applied: Modified-Structured
Committee Action: 02-19-2019 Do Pass by Committee Substitute

Floor Vote: Yeas: 151 Nays: 17

Amendments:

HB 83 Quality Basic Education Act; recess for students in kindergarten and grades one through five; provide

Bill Summary: House Bill 83 amends O.C.G.A. 20-2-323 to require local boards of education to provide recess, an average of 30 minutes per day, for kindergarten and grades one through five beginning in the 2019-2020 school year. Recess is not required on any school day a student has physical education, structured activity time, or any day when reasonable circumstances may impede recess. Local boards of education will establish policies to ensure recess is safe, scheduled in a manner that allows a break from academic learning, and prohibits recess from being withheld from students as a form of punishment.

Authored By: Rep. Demetrius Douglas (78th)
House Committee: Education

Rule Applied: Modified-Structured
Committee Action: 03-04-2019 Do Pass by Committee Substitute

Floor Vote: Yeas: 160 Nays: 11

Amendments:

HB 84 Insurance; provide for consumer protections regarding health insurance

Bill Summary: House Bill 84 adds a new chapter to Title 33, relating to insurance, by providing consumer protections regarding health insurance. The bill establishes new transparency rules between health care providers, including: group practice diagnostic and treatment centers or health centers; physicians; insurers; and all of their respective or prospective patients. These transparency rules, that vary between health care providers, physicians, and insurers, are related to billing, executed participation agreements, providing the patient with out-of-network options and expenses, updating annual lists of charges for items and services, and other related information.

Authored By: Rep. Richard Smith (134th)
House Committee: Insurance

Rule Applied: Modified-Structured
Committee Action: 03-06-2019 Do Pass by Committee Substitute

Floor Vote: Yeas: 77 Nays: 78

Floor Action: Failed

Amendments:

HB 91 Hospitals and health care facilities; Federal Bureau of Investigation to retain fingerprints when an agency or entity is participating in the Georgia Bureau of Investigation's program; allow
Bill Summary: HB 91 requires health professionals who are required to submit to a fingerprint-based criminal background check to submit their fingerprints to the Department of Community Health or, in lieu of that, submit evidence that the department determined within the immediate preceding 12 months that there was a satisfactory clearance of their background; however, this time frame does not apply when fingerprints are retained by the department due to its participation in the Georgia Crime Information Center's program of ongoing retention and continuing review of fingerprints and criminal history. This bill also allows the Georgia Bureau of Investigation and Federal Bureau of Investigation to retain fingerprints submitted by a health professional to the Department of Community Health for a fingerprint-based criminal background check.

Authored By: Rep. Andrew Welch (110th)
House Committee: Judiciary

Rule Applied: Modified-Structured
Committee Action: 02-07-2019 Do Pass

Floor Vote: Yeas: 168 Nays: 3

Amendments:

HB 118 Crimes and offenses; transmitting a false alarm; revise offense

Bill Summary: House Bill 118 establishes an offense for making an unlawful request for emergency services assistance. A "request for emergency services assistance" is defined as a report, transmission, or request for assistance to a public safety agency, or to another person, while knowing at the time of the report that the request is likely to result in the other person making a request to a public safety agency through a public safety answering point.

The bill also includes additional circumstances which constitute an unlawful request for emergency services. The new actions include requests that relate to: an individual who allegedly has committed a criminal act involving the use or threat of physical force or violence; an act constituting an immediate threat to any person's life or safety; and the use of any electronic device or software to alter, conceal, disguise, or attempt to alter, conceal or disguise the location or identity of the person making the request. If bodily harm or death results from the response of a public safety agency, the offender is guilty of a felony. Once convicted, the sentence is imprisonment of at least one year but not more than 10 years, a fine of at least \$5,000, or both.

Authored By: Rep. Marc Morris (26th)
House Committee: Public Safety & Homeland Security

Rule Applied: Modified-Open
Committee Action: 03-04-2019 Do Pass by Committee Substitute

Floor Vote: Yeas: 151 Nays: 20

Amendments:

HB 168 Sales and use tax; tangible personal property to certain non-profit health centers; extend exemption for five additional years

Bill Summary: House Bill 168 extends the exemption of sales and use tax on purchases made by non-profit health centers and non-profit volunteer health centers to June 30, 2024.

Authored By: Rep. Darlene Taylor (173rd)
House Committee: Ways & Means

Rule Applied: Structured
Committee Action: 02-27-2019 Do Pass

Floor Vote: Yeas: 164 Nays: 1

Amendments:

HB 198 Health; eliminate certificate of need requirements for all health care facilities except certain long-term care facilities and services

Bill Summary: House Bill 198 is composed of three main parts. Part I revises provisions of the state's Certificate of Need (CON) requirements. Part II specifies hospital and hospital authority obligations related to: open records and publication requirements; expanded investment options of public funds under certain circumstances; and prohibition of medical use rights by non-profit hospitals. Part III extends and increases the Rural Hospital Tax Credit to 2024 at \$100 million with additional requirements for undesignated contributions, public disclosure, and auditing.

Part I revises CON to update the expenditure cap on construction and remodeling from \$2.5 million to \$10 million and on equipment from \$1 million to \$4 million. A new definition for "freestanding emergency department" is added for a stand-alone facility that offers emergency care and has no more

than one inpatient bed, or is hospital owned, operates 24-hours a day, provides Medicaid services, and operates under the 'Emergency Medical Treatment and Labor Act' (EMTALA). Freestanding emergency departments are incorporated within the umbrella definition of "health care facility" for the purposes of CON; however, all other freestanding emergency departments are prohibited. The definitions for "joint venture" and "single specialty ambulatory surgery center" (ASCs) are expanded to include cardiology procedures. The expansion of bed capacity without requiring a CON is broadened to allow for a 20 percent or 10-bed increase, whichever is greater, by a hospital with a prior year occupancy rate of 60 percent or greater.

Effective June 30, 2019, the indigent and charity care requirement to be reported to DCH is calculated on the Medicare allowable rate for the unpaid service with a 1.5 multiplier and not the hospital's charge. Hospitals may include up to 15 percent of Medicaid payments toward the uncompensated requirement amount. This calculation becomes effective July 1, 2021 for the purposes of fines and penalties for new facilities or those existing facilities that make CON modifications after that date. These licenses require an agreement to provide indigent and charity care at a level based on the most recent two-year average of the state's net uncompensated care as a percentage of their adjusted gross revenue, but not less than two percent for non-profits; that statewide average requirement is reduced by three percent for for-profit entities, but not less than one percent. For the purposes of calculating indigent and charity care for ambulatory surgery centers, any care provided by a physician with ownership in an ASC in a different setting will count toward the ASC's indigent care requirement proportionate to the amount of ownership; that same care may not be counted toward the care requirement of the other setting.

Penalties for failing to meet the indigent and charity care requirement are assessed at one percent of net revenue for every half percent of care not provided and may include the withholding of any or all disproportionate share hospital (DSH) funds. Penalties collected are deposited into the Indigent Care Trust Fund (ICTF) to be used for expanding Medicaid eligibility and services, support rural and other providers who serve, as well as provide primary care for the medically indigent. A hospital or health care system with a payer mix of more than 40 percent Medicaid and two percent or more of charity and indigent care, which includes the gap amount between its Medicaid and Medicare reimbursement rates, or an annual inpatient population of catastrophic injury patients over 60 percent are not subject to the penalties, nor are the 25 rural hospitals ranked as the highest in financial need by DCH. "Catastrophic injury" is defined as injuries to the spine, brain, or other paralyzing neuromuscular conditions. A licensee may use up to 15 percent of its Medicaid payments toward uncompensated indigent and charity care.

HB 198 allows a destination cancer hospital to convert to a general hospital with notice to the Department of Community Health (DCH); at that time, the facility is subject to general hospital CON provisions, including the applicable indigent and charity care requirements.

An objection to a new CON license may only be made by: an existing facility of the same type or that substantially offers the same service(s) within a 35-mile radius; or an entity with a competing application in the same batching cycle.

Within the exceptions to Certificate of Need, the non-resident bed limits for continuing care retirement communities that do not take Medicaid are removed. New exceptions are created for substance abuse and mental health facilities and services; public and private psychiatric hospitals; and a freestanding ambulatory surgical center that includes sports training, medical and community education programs, accepts Medicaid and maintains a proven \$25 million or more annual economic impact.

Part II requires a non-profit hospital, hospital-owned or operated authority or the authority's non-profit corporation to increase transparency by prominently posting online the most recent PDF copies of certain federal and state documents, which include audited financial statements for the hospital and its affiliates, which includes all subsidiaries and parent companies. The hospital's statements must distinguish and include allowances, charity care, and net patient revenues for the hospital. The affiliates must provide audited balance sheets that breakout the hospital's operating costs. Posted documents must include the hospital's audited Internal Revenue Service Form 990 with Schedule H, and for those hospitals that are not required to submit this form, one will be designed and provided by DCH. State-specific documents for publication online include the hospital's: annual questionnaire; community benefit report; disproportionate share hospital survey; property holdings with location,

use, and value for the fiscal year; loan, bond and debt information; ownership, interest, value, and domicile of any partnerships, holdings, venture, joint venture, or captive insurance companies at the end of each fiscal year; year-end fund balances (less any interest in the foundation) of net assets that distinguish the purposes and any restrictions of those assets; cash reserves; going concern statements; the legal organizational chart showing the relationship of the hospital to its subsidiaries and affiliates; a report listing the 10 highest salaried administrative positions with amount, fringe, titles and other benefits; proof of accreditation(s); and policies for charity and reduced cost care payments and collections. While postings must be updated and filed at least once a year by July 1, the documentation for each year will be available on the website indefinitely and the DCH's website will provide prominent links to each of these. Duplicative reporting is not required in instances when an audit contains multiple parts of these requirements. Failure to comply within 30-days of the deadline results in the suspension of all state funding, and willful violations will be prosecuted.

Part II also provides four additional provisions. Non-profit hospitals may not renew or hold any property for medical use rights. Non-profit hospital authority board members are subject to state conflict of interest laws governing sale and lease transactions. Authorities that have not operated a hospital for seven or more years, have no outstanding debt, and have a corpus of at least \$20 million may invest up to 30 percent of those funds in mutual funds or other collective investments. Finally, the bill clarifies that non-profit hospital authorities are subject to the state's open records requirements.

Part III extends the Rural Hospital Tax Credit through calendar year 2024 for hospitals with an operating margin no greater than 15 percent and increases the credit from \$60 to \$100 million. It requires DCH to create a manual with the criteria to qualify and submit for the credit, as well as developing and including a formula to rank the hospitals by greatest financial need in the manual. The department will prominently post the: manual; eligible and ranked hospital list determined by December 1st of every year; annual report; total amount received by third-party entities soliciting or managing donors; and a link to the Department of Revenue's donation information on their webpage. This ranked hospital list must also be distributed by any of the third-party entities soliciting or managing donors. Unspecified donations will automatically be applied to the hospital ranked with the greatest need; should that hospital receive the full amount allowed, the next neediest hospital receives the assistance. The Department of Revenue will also post the list of eligible hospitals by need, as well as the timeline for donations and a monthly update of all designated and undesignated contributions preapproved and received, and the aggregate totals for contributions and available credits. All parties are subject to annual auditing by the state.

The bill is effective upon the governor's signature.

Authored By:	Rep. Matt Hatchett (150th)	Rule Applied:	Modified-Structured
House Committee:	Special Committee on Access to Quality Health Care	Committee Action:	03-01-2019 Do Pass by Committee Substitute
Floor Vote:	Yeas: 72 Nays: 94	Amendments:	AM 33 1871
Floor Action:	Failed		

HB 220 Solid waste management; certain solid waste disposal surcharges; extend sunset date

Bill Summary: House Bill 220 changes sunset dates, effective dates, and fees related to the Solid Waste Trust Fund and Hazardous Waste Trust Fund.

The sunset date for tire disposal fees related to the Solid Waste Trust Fund is changed to June 30, 2022. Effective July 1, 2020, the replacement tire fee is decreased from \$1 to \$0.38.

The sunset date for the collection of surcharges per ton of solid waste and the fees collected for hazardous waste management related to the Hazardous Waste Trust Fund is changed to July 1, 2022. Effective July 1, 2020, the per ton surcharge on solid waste disposal is changed from \$0.75 per ton to \$0.51 per ton.

Authored By:	Rep. Terry Rogers (10th)	Rule Applied:	Modified-Structured
House Committee:	Natural Resources & Environment	Committee Action:	03-05-2019 Do Pass by Committee Substitute
Floor Vote:	Yeas: 164 Nays: 4	Amendments:	

HB 247 Crimes and offenses; battery against a person 65 years of age or older; repeal an enhanced penalty

Bill Summary: House Bill 247 updates regulations regarding the protection of senior citizens and disabled adults from abuse and exploitation. The bill provides that all forms of battery against a person who is 65 or older is a felony. It amends the definition of "exploitation" to include the act of illegally taking resources that belong to a disabled or elderly adult when access to those resources was obtained due to the victim's mental or physical incapacity. Finally, law enforcement agencies may act as an agent of the Department of Community Health for conducting inspections of unlicensed personal care homes when the department designates the law enforcement agency to act, that law enforcement agency consents, and it is already legally on site of the facilities in the course of investigating a complaint or performing other law enforcement duties.

Authored By: Rep. Deborah Silcox (52nd)

House Committee: Judiciary

Floor Vote: Yeas: 170 Nays: 1

Rule Applied: Modified-Structured

Committee Action: 03-01-2019 Do Pass by Committee Substitute

Amendments:

HB 264 Public officials' conduct and lobbyist disclosure; persons promoting or opposing any matter regarding the EMSC Program are subject to transparency and lobbyist disclosure laws; provide

Bill Summary: House Bill 264 amends Article 4 of Chapter 5 of Title 21, relating to public officials' conduct and lobbyist disclosure, by requiring that any person who promotes or opposes matters before a local coordinating entity regarding the Emergency Medical Systems Communications (EMSC) Program is subject to transparency and lobbyist disclosure laws.

Additionally, this bill amends Chapter 11 of Title 31, relating to emergency medical services, by adding new administrative requirements regarding members and chairpersons of local coordinating entities.

House Bill 264 adds new procedural requirements for the proposal of modifying territorial zones and methods of distributing calls among ambulance providers participating in the EMSC Program. These requirements include the establishment of a committee to conduct hearings about the proposal, submission of results of the hearing to the local coordinating entity, and the allowance of public hearings for ambulance providers that originally submitted the proposal.

Furthermore, this bill establishes new accountability standards for ambulance providers in each health district. On and after July 1, 2019, each ambulance provider will submit a monthly report regarding these accountability standards. If an ambulance provider does not meet its accountability standards pursuant to Code Section 31-11-6 for two consecutive months, the local coordinating council may authorize up to two additional ambulance providers to answer 9-1-1 calls in the territorial zone on a rotating basis. If the accountability standards are not met for three consecutive months, the local coordinating entity will reopen the territorial zone for proposals for new ambulance providers.

Authored By: Rep. William Werkheiser (157th)

House Committee: Health & Human Services

Floor Vote: Yeas: 148 Nays: 6

Rule Applied: Modified-Open

Committee Action: 03-05-2019 Do Pass by Committee Substitute

Amendments:

HB 282 Criminal procedure; increase amount of time that law enforcement agencies are required to preserve certain evidence of sexual assault

Bill Summary: HB 282 requires law enforcement agencies to maintain physical evidence collected that relates to the identity of the perpetrator of an alleged sexual assault for the time period that the case remains unsolved.

Authored By: Rep. Scott Holcomb (81st)

House Committee: Judiciary Non-Civil

Floor Vote: Yeas: 173 Nays: 0

Rule Applied: Modified-Structured

Committee Action: 03-01-2019 Do Pass by Committee Substitute

Amendments:

HB 288 Superior courts; revise the sums that the clerks are entitled to charge and collect for filing documents and instruments pertaining to real estate or personal property

Bill Summary: HB 288 provides for a \$25 flat fee for the clerks of superior court to charge and collect for filing documents and instruments pertaining to real estate and personal property. The bill amends the fee associated with filing maps or plats from \$7.50 per page to a flat \$10 fee for each filing. For any instrument that includes a request for cancellation, satisfaction, release or assignment of more than one instrument, the bill creates a flat \$5 fee for each instrument. The bill also creates a \$5 fee for page one of the filing of a tax lien by a state or local government agency, with a \$2 fee for each additional page. In addition, for each tax cancellation, satisfaction, release, notice, withdrawal, or other document referencing a previously filed tax lien, the bill creates a \$2 fee for each previous tax lien referenced. The bill also updates internal Code sections and clarifies the process for distributing these filing fees.

Authored By: Rep. Alan Powell (32nd)

House Committee: Judiciary

Floor Vote: Yeas: 170 Nays: 0

Rule Applied: Modified-Structured

Committee Action: 03-01-2019 Do Pass by Committee Substitute

Amendments:

HB 296 Superior Court of Hall County in the Northeastern Circuit; revise term of court

Bill Summary: House Bill 296 revises the terms of Hall County Superior Court in the Northeastern Circuit to be the second Monday in January, April, July, and first Monday in October, rather than the first Monday in May and November and the second Monday in January and July.

Authored By: Rep. Lee Hawkins (27th)

House Committee: Judiciary

Floor Vote: Yeas: 161 Nays: 0

Rule Applied: Modified-Structured

Committee Action: 03-01-2019 Do Pass by Committee Substitute

Amendments:

HB 307 Abandoned Motor Vehicle Act; enact

Bill Summary: House Bill 307 creates the 'Abandoned Motor Vehicle Act.' The intent of the General Assembly is to decrease the burden on businesses that remove abandoned vehicles at the request of law enforcement officers or private property owners.

When an insurance company acquires a motor vehicle after paying out a total loss claim but does not receive, within 30 days, the certificate of title from the vehicle owner, the insurance company is authorized to apply to the Department of Revenue to receive a replacement certificate of title.

When a peace officer discovers an unattended vehicle on a highway or public property, they must immediately perform an unattended vehicle check. Once the check is complete, the officer must attach a completed unattended vehicle check card to the vehicle. The Department of Public Safety will specify the rules and regulations regarding the unattended vehicle check cards and will provide them to law enforcement agencies free of charge if possible. These cards must only be attached to a vehicle by a peace officer. Within 24 hours of completing an unattended vehicle check, the peace officer must contact the Georgia Crime Information Center to determine if the vehicle is stolen. If the vehicle is stolen, the peace officer must notify the law enforcement agency which filed the stolen vehicle report.

If a vehicle has been left unattended on a highway for more than five days or if the vehicle's abandonment poses an immediate threat to public safety or traffic congestion, a peace officer can have the vehicle removed to a safer place. Within one day of the removal, the towing company which tows the vehicle at the request of the peace officer may request from the Department of Revenue the identification of the vehicle owner. The department has five days to provide the requested information and may charge a fee of \$2.00 or less.

Within one day of the removal of an unattended vehicle from private property, the towing company which tows the vehicle at the request of the property owner may request from the Department of Revenue the identification of the vehicle owner. The department has five days to provide the requested information and may charge a fee of \$2.00 or less. After no more than one day, the towing

company must submit a copy of the Department of Revenue request to the law enforcement department with jurisdiction over the location that the vehicle was abandoned. Within 24 hours, the local law enforcement department must contact the Georgia Crime Information Center to determine if the vehicle has been reported as stolen. If the vehicle is stolen, the law enforcement officer must contact the law enforcement agency which filed the stolen vehicle report, who will in turn notify the vehicle owner and the towing company. If a salvage dealer has been in possession of a vehicle for seven days with no contact from the owner or insurance company, they may request from the Department of Revenue the identification of the vehicle owner. The department has five days to provide the requested information and may charge a fee of \$2.00 or less.

It is prohibited to remove or tow a vehicle left in a paid private parking lot between midnight and noon of the following day; the parking lot owner can impose a penalty of \$25.00 or less and is not liable for any damage to the abandoned vehicle.

A towing company, repair facility, or salvage dealer must give the vehicle owner up to 15 days after notice is sent to retrieve any items from the vehicle. After 15 days, the towing company, repair facility, or salvage dealer must allow the vehicle owner to retrieve only personal items from the vehicle.

Within 15 calendar days of removal, the towing company or salvage dealer must send the owners the notification letter form developed by the Council of Magistrate Court Judges to give notice of the vehicle's location and fees owed. If the identity of the owners cannot be found, the towing company or salvage dealer must place a notice in the local newspaper or the county courthouse for two consecutive weeks. When a vehicle is left with a repair facility for at least 15 days without payment or communication, the repair facility must send the owner the applicable notification letter form developed by the Council of Magistrate Court Judges to give notice of the vehicle's location and fees owed. The towing company, salvage dealer, or repair facility shall have a lien placed on motor vehicles in their possession in the amount of the noticed recoverable fees.

Between 15 days and six months after compliance with the notice requirements, a towing company, repair facility, or salvage dealer may file an action for a statement of claim against the motor vehicle in any magistrate court in the judicial circuit where the vehicle is located. The towing company, repair facility, or salvage dealer must send a copy of the filed claim to any known owners of the vehicle. If the identity of the owners cannot be found, the towing company, repair facility, or salvage dealer must advertise the notice in the local newspaper or the county courthouse for two consecutive weeks. The vehicle owner may file an answer to the claim within 10 days of receipt by using the included answer form. If no answer is filed within the specified time frame, the towing company, repair facility, or salvage dealer may seek to foreclose the lien through a default judgment. If the default judgement is granted by the court, the vehicle will be considered abandoned and within five days the court must transmit an order for the disposition of the motor vehicle. If an answer is returned to the court, a trial deciding whether to foreclose on the lien will be held within 10 days.

After a court order, the towing company, repair facility, or salvage dealer is authorized to sell the vehicle to the highest bidder at public sale. The towing company, repair facility, or salvage dealer will use the proceeds from the sale to satisfy the outstanding lien and cover any costs associated with the advertisement and sale of the vehicle. The remaining proceeds will be submitted to the Department of Revenue as unclaimed property.

The purchaser of a motor vehicle at such a public sale will receive a certified copy of the court order authorizing the sale. The purchaser will be able to obtain a clear title from the Department of Revenue by meeting specified requirements.

Once the vehicle proceeds have been turned over to the Department of Revenue as unclaimed property, any person claiming a property interest in the motor vehicle sold and the excess funds from the sale must make a claim within six months of the sale. If no claim is made within six months, the person who sold the motor vehicle can make a claim for the excess funds until one year from the date of the deposit of excess funds.

Authored By: Rep. Alan Powell (32nd)

House Committee: Motor Vehicles

Floor Vote: Yeas: 167 Nays: 4

Rule Applied: Modified-Structured

Committee Action: 02-26-2019 Do Pass by Committee Substitute

Amendments:

HB 311 State government; waiver of sovereign immunity as to actions ex contractu and state tort claims; provisions

Bill Summary: House Bill 311 provides a limited waiver of sovereign immunity for declaratory and injunctive relief against the state in Part I and against all other political subdivisions, including counties and municipalities, in Part II. Part III addresses the limited waiver for quiet title claims, which is the process used to clear any 'cloud' on the plaintiff's title to property, against the state or its political subdivisions. Part 4 addresses judgments and rulings deemed directly appealable with regard to sovereign immunity.

The waiver in Part I is limited to claims against the state, a state governmental entity, officer, or employee in his or her official capacity to remedy, through declaratory or injunctive relief, injuries caused or that may imminently be caused either in violation of state law, the Constitution of Georgia, or the Constitution of the United States or by enforcement of a state statute on the basis that the statute violates the Constitution of Georgia or the Constitution of the United States. The waiver applies only if: the aggrieved person provides 30-days' written notice to the attorney general of the aggrieved person's intent to file such a suit; the court is provided proof of service upon the attorney general or his or her designee and the state governmental entity that is charged with enforcing the state statute being challenged; and the suit for which notice has been provided and filed no later than 90 days after the notice has been provided.

Part I clarifies official immunity for state officers and employees, who shall not be subject to a suit in his or her individual capacity for performance or non-performance of official duties. When a suit names a state officer or employee in his or her individual capacity, under proper motion the court shall substitute as the party defendant such officer or employee in his or her official capacity, unless the suit is expressly authorized by state statute or federal law or the suit alleges the officer's or employee's conduct was outside of his/her scope of authority, unconstitutional, or illegal, in which case official immunity is waived.

The waiver of sovereign immunity in Part II is limited to claims against a county, municipal corporation, consolidated government, or school district of this state to remedy, through declaratory or injunctive relief, injuries caused to an aggrieved person or that may imminently be caused either by such political subdivisions acting without lawful authority, beyond the scope of its official power, or in violation of the Constitution of Georgia, the Constitution of the United States, a state statute, a rule or regulation, or a local ordinance, or by the award of a proposed agreement with a political subdivision or an officer or employee in his or her official capacity, so long as the suit is filed no later than 10 days from the date that the award is made public. Additionally, the bill clarifies that sovereign immunity is waived for claims against political subdivisions for breach of contract. Part 2 also creates a 30-day written notice requirement.

Additionally, the state and its political subdivision's defense of sovereign immunity, including municipal corporations, is waived in quiet title proceedings within Part III. When a clear title to property or an instrument is held by the state or any state entity, notwithstanding any law to the contrary, the pleadings shall be served on the attorney general and the state or any department, agency, commission, board, authority, or state entity allegedly holding such title. If the attorney general does not file a responsive pleading in such actions then the court shall accept the state's acquiescence to the petitioner's filed claim for relief.

Lastly, all judgments, orders, or rulings denying or refusing to grant immunity to one or more parties based upon sovereign, official, or qualified immunity are directly appealable to the Supreme Court of Georgia and the Court of Appeals, provided that the right to direct appeal shall not be exercised by any one party more than once in a case.

Authored By: Rep. Andrew Welch (110th)

House Committee: Judiciary

Floor Vote: Yeas: 168 Nays: 4

Rule Applied: Structured

Committee Action: 03-04-2019 Do Pass by Committee

Substitute

Amendments:

HB 315 Local government; certain agreements from consultants who enter into contracts or arrangements to prepare or develop requirements for bids; provide

Bill Summary: House Bill 315 creates a new Code section which outlines the agreement that counties, municipalities, and other local governmental entities must enter into with consultants. The consultant will avoid any appearance of impropriety, disclose any potential conflicts of interest, and acknowledge that violation of the agreement entitles the governmental entity to seek injunctive relief. This Code section does not apply to any development authority or to economic development activities that are confidential under O.C.G.A. 50-18-4. Unless disclosed as part of the bid, the person who developed the specifications for a particular bid or proposal may not submit a bid for the proposal.

Authored By: Rep. Mark Newton (123rd)

House Committee: Governmental Affairs

Floor Vote: Yeas: 161 Nays: 0

Rule Applied: Modified-Structured

Committee Action: 03-05-2019 Do Pass by Committee Substitute

Amendments:

HB 325 Law enforcement officers and agencies; records of investigation of an officer by the Georgia Peace Officer Standards and Training Council shall be retained for 30 years; provide

Bill Summary: House Bill 325 requires the records of an investigation of an officer by the Peace Officer Standards and Training Council be retained for 30 years following the date that the investigation was deemed concluded. After 30 years, the records may be destroyed.

Authored By: Rep. Heath Clark (147th)

House Committee: Public Safety & Homeland Security

Floor Vote: Yeas: 147 Nays: 24

Rule Applied: Modified-Structured

Committee Action: 03-04-2019 Do Pass by Committee Substitute

Amendments:

HB 332 Agriculture; service of the Commissioner of Agriculture and the president of the Georgia Farm Bureau Federation as ex officio members; revise provisions

Bill Summary: HB 332 allows for the commissioner of the Department of Agriculture to appoint a designee to serve on agricultural commodity commissions, except for the Agricultural Commodity Commission for Peanuts.

Authored By: Rep. Steven Meeks (178th)

House Committee: Agriculture & Consumer Affairs

Floor Vote: Yeas: 172 Nays: 1

Rule Applied: Modified-Structured

Committee Action: 03-01-2019 Do Pass by Committee Substitute

Amendments:

HB 337 Georgia Peer-to-Peer Car-Sharing Program Act; enact

Bill Summary: HB 337 is known as the 'Georgia Peer-to-Peer Car-Sharing Program Act'. A peer-to-peer car-sharing program must assume liability of a shared vehicle owner for any bodily injury or property damage to third parties in the amount set forth in the car-sharing program agreement not less than \$25,000 for one person in one accident and not less than \$50,000 for two or more people in one accident, unless the shared vehicle owner made an intentional or fraudulent material misrepresentation to the car-sharing program before the loss occurred. The car-sharing program must ensure that the shared vehicle owner and the shared vehicle driver are insured under an insurance policy that recognizes the vehicle used is made available through a car-sharing program and provides insurance coverage no less than the policy stated above. The car-sharing program will assume primary liability for a claim when the program is in whole or in part providing the insurance or if a dispute exists as to who was in control of the vehicle at the time of the loss.

The car sharing program will collect and verify records pertaining to the use of a vehicle and must provide that information upon the request to the shared vehicle owner, insurer, or the shared vehicle driver's insurer to facilitate a claim coverage investigation. The program must retain records for a time period not less than the applicable personal injury statute of limitations. The car-sharing program has the sole responsibility for any equipment that is put in or on the vehicle to monitor or facilitate the car-sharing transaction. Moreover, the program must agree to indemnify a shared vehicle owner for any damage or theft of said equipment during the shared period not caused by the vehicle's owner. At the time when a vehicle owner registers as a shared vehicle, the car sharing program must verify that

the vehicle does not have any safety recalls on the vehicle that have not been repaired and notify the owner that the vehicle is not available unless a safety repair has been made for any outstanding safety recalls.

Authored By: Rep. Shaw Blackmon (146th)
House Committee: Regulated Industries
Floor Vote: Yeas: 159 Nays: 7

Rule Applied: Modified-Open
Committee Action: 03-04-2019 Do Pass by Committee Substitute
Amendments:

HB 339 Special license plates; Alabama A&M University; establish

Bill Summary: House Bill 339 creates a specialty license plate supporting Alabama A&M University.

Authored By: Rep. Dewey McClain (100th)
House Committee: Motor Vehicles
Floor Vote: Yeas: 156 Nays: 2

Rule Applied: Modified-Open
Committee Action: 02-28-2019 Do Pass
Amendments:

HB 349 Local government; counties to exercise powers in incorporated areas; authorize

Bill Summary: House Bill 349 expands the definition of "area of operation" to include the county territory which lies within the corporate limits of a municipality.

Authored By: Rep. Chuck Martin (49th)
House Committee: Governmental Affairs
Floor Vote: Yeas: 165 Nays: 0

Rule Applied: Modified-Structured
Committee Action: 03-05-2019 Do Pass by Committee Substitute
Amendments:

HB 353 Insurance; create the crime of staging a motor vehicle collision

Bill Summary: House Bill 353 creates the crime of staging a motor vehicle collision when the intent is to commit insurance fraud or file a lawsuit. The felony offense shall be punishable by at least one, but no more than 20 years of imprisonment, depending on the nature of the collision.

Authored By: Rep. Kasey Carpenter (4th)
House Committee: Insurance
Floor Vote: Yeas: 93 Nays: 76

Rule Applied: Modified-Structured
Committee Action: 03-04-2019 Do Pass by Committee Substitute
Amendments:

HB 373 Labor, Department of; employment security; change certain provisions

Bill Summary: House Bill 373 authorizes the commissioner of the Department of Labor to set the rules and regulations necessary to follow the guidelines set forth in Title 34 of Georgia Code. The bill authorizes the commissioner to require criminal background checks for all Department of Labor employees or employee applicants.

The bill also modifies the time frame for a benefit year from a one-year period starting on the day of the claim to a 52-week period starting on the Sunday of or prior to the claim. The bill removes a provision which required employers to notify an employee in writing that their unemployment benefits may be denied if the employee violates the attendance policy. The bill clarifies the penalties for making false statements or misrepresentations when applying for unemployment benefits.

Authored By: Rep. William Werkheiser (157th)
House Committee: Industry and Labor
Floor Vote: Yeas: 156 Nays: 7

Rule Applied: Modified-Open
Committee Action: 02-27-2019 Do Pass
Amendments:

HB 379 Revenue and taxation; projects and purposes using SPLOST funds; revise annual reporting requirements

Bill Summary: House Bill 379 amends O.C.G.A. 48-8-122, relating to annual reporting of county special purpose local option sales tax (SPLOST) projects, by changing the due date for publishing reports from December 31 to 180 days following the close of the most recent fiscal year.

Authored By: Rep. Beth Moore (95th)
House Committee: Ways & Means

Rule Applied: Structured
Committee Action: 03-01-2019 Do Pass
Amendments:

Floor Vote: Yeas: 164 Nays: 4

HB 381 Child support; defined terms and terminology, grammar, and punctuation; revise and correct

Bill Summary: HB 381 amends the child support guidelines to correct grammatical errors, update internal cross-references, and revise defined terms. The bill also clarifies that all powers and discretion granted to the court relating to the determination of child support obligations are also available to the jury. The bill adds certain federal benefits received under the 'Social Security Act,' along with state funding associated with adoption assistance, to the list of income sources which may be excluded from one's gross income for child support determination.

Authored By: Rep. Chuck Efstoration (104th)
House Committee: Judiciary

Rule Applied: Modified-Structured
Committee Action: 03-01-2019 Do Pass by Committee Substitute
Amendments:

Floor Vote: Yeas: 162 Nays: 6

HB 382 Outdoor stewardship; eligible applicants for and recipients of the grants; redefine

Bill Summary: House Bill 382 aligns the language concerning qualified local governments or recreation boards eligible to receive funds from the Georgia Outdoor Stewardship Trust Fund with the definitions in the rules and regulations of the Department of Natural Resources. It states that no more than five percent of all funds received by the Georgia Outdoor Stewardship Trust Fund may be used to administer the program.

Authored By: Rep. Jon Burns (159th)
House Committee: Natural Resources & Environment

Rule Applied: Modified-Open
Committee Action: 03-05-2019 Do Pass by Committee Substitute
Amendments:

Floor Vote: Yeas: 169 Nays: 1

HB 392 Board of Public Safety; expense allowance and travel cost reimbursement for members in like fashion as other state boards and commissions; provide

Bill Summary: House Bill 392 adds the Board of Public Safety to the list of boards and commissions whose members are eligible to receive an expense allowance and travel reimbursement.

Authored By: Rep. Marcus Wiedower (119th)
House Committee: Governmental Affairs

Rule Applied: Modified-Open
Committee Action: 03-05-2019 Do Pass
Amendments:

Floor Vote: Yeas: 160 Nays: 3

HB 405 Revenue and taxation; Level 1 Freeport Exemption; modify provisions

Bill Summary: House Bill 405 amends O.C.G.A. 48-5-48.2, relating to the level 1 freeport exemption, by allowing raw materials held by a taxpayer's affiliate to be considered for the freeport exemption and by allowing remanufacturing to be considered to be part of the ordinary course of manufacturing.

Authored By: Rep. David Knight (130th)
House Committee: Ways & Means

Rule Applied: Structured
Committee Action: 03-05-2019 Do Pass
Amendments:

Floor Vote: Yeas: 166 Nays: 1

HB 424 Crimes and offenses; include certain sex crimes into the definition of criminal gang activity

Bill Summary: HB 424 adds the offenses of trafficking persons for labor servitude or sexual servitude, keeping a place of prostitution, pimping, and pandering to the offenses listed in the definition of "criminal gang activity." In addition, the court may admit evidence relating to the past sexual behavior of the complaining witness when: offered to prove that someone other than the defendant was the source of physical evidence; it supports an inference that the accused could have reasonably believed the complaining witness consented to the conduct complained of in the prosecution; with respect to the defendant or other person if offered by the prosecutor; and when the exclusion of such evidence would violate the defendant's constitutional rights. Before admission of

said evidence, the court must conduct an in camera hearing to examine the merits of the motion.

Authored By: Rep. Deborah Silcox (52nd)
House Committee: Judiciary Non-Civil
Floor Vote: Yeas: 171 Nays: 0

Rule Applied: Modified-Structured
Committee Action: 03-01-2019 Do Pass by Committee Substitute
Amendments:

HB 426 Criminal procedure; imposition of punishment for crimes involving bias or prejudice; revise criteria

Bill Summary: HB 426 enhances the penalty imposed on a defendant if the court finds beyond a reasonable doubt that the victim of the crime was chosen due to race, color, religion, national origin, sexual orientation, gender, mental disability, or physical disability. If the defendant is convicted of a misdemeanor, the sentence is increased by not less than three nor more than 12 months of imprisonment and a fine not to exceed \$5,000. If the defendant is convicted of a misdemeanor of high and aggravated nature, the sentence is increased by not less than six nor more than 12 months of imprisonment and a fine not to exceed \$5,000. If the defendant is convicted of a felony, the sentence is increased by not less than two years of imprisonment. Moreover, the judge must state how much of the sentence is based on this Code section the sentence is imposed.

Authored By: Rep. Chuck Efstation (104th)
House Committee: Judiciary Non-Civil
Floor Vote: Yeas: 96 Nays: 64

Rule Applied: Structured
Committee Action: 02-26-2019 Do Pass by Committee Substitute
Amendments:

HB 444 Dual Enrollment Act; enact

Bill Summary: House Bill 444 renames the 'Move on When Ready Act' as the 'Dual Enrollment Act.' House Bill 444 limits the number of credit hours the dual enrollment program will fund to 30 hours taken during fall and spring semesters, after which additional hours will be lottery-funded and count toward the students' HOPE/Zell Miller Scholarship and HOPE Grant maximum hours. The bill also limits grade-level participation to 11th and 12th graders; however, to continue producing a skilled workforce, 10th grade students may participate in dual enrollment courses provided by the Technical College System of Georgia.

House Bill 444 requires academic advising prior to entering into the dual enrollment program, after taking 15 credit hours, and when the student reaches 30 credit hours. Students may take a maximum of 16 credit hours per semester or quarter equivalent. Dual enrollment courses may be delivered at an eligible postsecondary institution, online, or on a high school campus; provided, however, the instructor is an employee of the postsecondary institution or a high school teacher contracted as an adjunct faculty of the postsecondary institution.

For students currently enrolled in the dual enrollment program, courses taken during the 2019 summer semester will count toward their 30-hour credit hour cap in the dual enrollment program. For all other students, the 30 hours will begin during the fall term of the 2019-2020 academic school year.

The Georgia Student Finance Commission will administer the dual enrollment program and collect data to measure the success of the program. The commission, in consultation with the Office of Planning and Budget, will set the annual rate paid to eligible postsecondary institutions for dual enrollment courses and ensure the private postsecondary institutions' rate shall not be less than the current per credit hour rate as of February 1, 2019.

Authored By: Rep. Albert Reeves (34th)
House Committee: Education
Floor Vote: Yeas: 99 Nays: 72

Rule Applied: Modified-Structured
Committee Action: 03-04-2019 Do Pass by Committee Substitute
Amendments:

HB 454 Motor vehicles; operation of motorized mobility devices; provide

Bill Summary: House Bill 454 provides for the operation of "motorized mobility devices." These devices are defined as two types. One has a total weight less than 75 pounds, is equipped with handlebars, has a floorboard for standing upon while riding; and has two or three wheels. The other has a total weight of no more than 100 pounds; is equipped with handlebars, a seat, and two or three

wheels; and rotary pedals. Both types are designed to transport only one individual and are capable of traveling without human propulsion on a paved level surface at a speed not to exceed 20 miles per hour.

The legislation adds these devices to the Code sections dealing with bicycles and rules of the road, establishing responsibility of motor vehicle drivers as well as cyclists and those operating motorized mobility devices. The motorized mobility devices are also added to sections relating to safe passing, collisions, duties of drivers striking an unattended vehicle and penalties, reporting of accidents, and uniform accident reports. Local governments are authorized to regulate and require registration of motorized mobility devices; enforce state and local parking laws, rules, and regulations; and are relieved of any and all liability for injuries or property damage resulting from the operation or placement of motorized mobility devices by others.

Authored By: Rep. Kevin Tanner (9th)
House Committee: Transportation

Rule Applied: Modified-Structured
Committee Action: 03-04-2019 Do Pass by Committee Substitute

Floor Vote: Yeas: 133 Nays: 28

Amendments:

HB 458 Fire protection and safety; use of class B fire-fighting foam for testing purposes if such foam contains a certain class of fluorinated organic chemicals; prohibit

Bill Summary: House Bill 458 prohibits the use of per- and polyfluoroalkyl substances (PFAS) in Class B firefighting foam during training, unless it is used at a training facility capable of preventing the release of the foam into the environment. The bill does not restrict the use of foam containing PFAS for fire-fighting operations.

Authored By: Rep. Joseph Gullett (19th)
House Committee: Natural Resources & Environment

Rule Applied: Modified-Open
Committee Action: 03-05-2019 Do Pass

Floor Vote: Yeas: 170 Nays: 2

Amendments:

HB 459 Education; driver's license verification system for school bus drivers; provide

Bill Summary: House Bill 459 requires each local school board to submit to the Department of Public Safety the full name and driver's license number of every person who is to be employed or used as a school bus driver prior to authorizing that person to operate a school bus. This list of authorized drivers is to be updated twice within a calendar year.

The Department of Public Safety is required to maintain a database of the names and license information of the authorized operators, in coordination with the Georgia Technology Authority and the Department of Driver Services, for the immediate electronic furnishing of information. The Department of Public Safety is also to confirm or verify the status of each person's driver's license and provide notification to the local board of education if an operator's license or driving privileges have expired, been cancelled, suspended, or revoked. Should a license or privilege be expired, cancelled, suspended or revoked, the school board is required to suspend the authorization to operate a school bus as well as provide the reason for the suspension. The driver is also required to notify the school board if the license or driving privilege is expired, cancelled, suspended, or revoked. Upon reinstatement of the license or driving privileges, the driver may request a new authorization to drive a school bus.

Authored By: Rep. Ginny Ehrhart (36th)
House Committee: Public Safety & Homeland Security

Rule Applied: Modified-Structured
Committee Action: 03-04-2019 Do Pass

Floor Vote: Yeas: 159 Nays: 11

Amendments:

HB 470 Law enforcement officers and agencies; analysis and collection of DNA for individuals charged with a felony offense but sentenced as a first offender or under conditional discharge; provide

Bill Summary: HB 470 updates and refines the Code regarding DNA sampling of felons and the purging of such records. The bill adds DNA collection to those who have been charged with a felony and the sentence has been imposed under first offender status. Moreover, DNA profiles of individuals must be destroyed within 30 days of the receipt of a certified copy of a: court order reversing the conviction together with a court order from the prosecuting attorney stating that the charges were dismissed; judgement of acquittal; sentencing order showing that all of the felony charges were

reduced to misdemeanors; or court order showing successful completion of a sentence imposed under first offender status.

Authored By: Rep. Steven Sainz (180th)
House Committee: Judiciary Non-Civil
Floor Vote: Yeas: 143 Nays: 15

Rule Applied: Modified-Structured
Committee Action: 03-04-2019 Do Pass by Committee Substitute
Amendments:

HB 478 Social services; improvements to the operation of the child abuse registry; provide

Bill Summary: HB 478 improves and streamlines the operation of the child abuse registry. Minors are removed from the registry. The bill provides that when an abuse investigator, through preponderance of the evidence, has found that abuse has occurred, a copy of the investigator's report must be included in the child abuse registry unless a hearing to dispute the report is requested within 30 days. Moreover, the accused child abuser must be given notice of the report, informed of the right to a hearing, the process involved in the hearing, and the consequences of being named in the child abuse registry. HB 478 refines the process for expungement from the registry based on the nature and circumstances of the crime as well as the risk to the community that such individual poses.

Authored By: Rep. Mandi Ballinger (23rd)
House Committee: Juvenile Justice
Floor Vote: Yeas: 151 Nays: 2

Rule Applied: Modified-Structured
Committee Action: 02-28-2019 Do Pass
Amendments:

HB 481 Living Infants Fairness and Equality (LIFE) Act; enact

Bill Summary: House Bill 481 is known as the 'Living Infants Fairness and Equality (LIFE) Act'. Part I lists out the findings of the Georgia General Assembly that apply to the policy change. Part II requires that, unless otherwise provided by law, any natural person, including an unborn child at any stage of development carried in the womb, is included in state population-based determinations.

Part III states that no abortion is authorized or will be performed if the unborn child has been determined to have a human heartbeat unless reasonable medical judgement finds the abortion is: necessary to avert the death of the pregnant woman or avert serious risk of substantial and irreversible physical impairment of a major bodily function of the pregnant woman; necessary to preserve the life of an unborn child; or resulted from rape or incest in which an official police report has been filed alleging the offense of rape or incest and the gestational age is 20 weeks or less.

Furthermore, Part III preserves the medically-futile exception, and requires that no abortion is authorized or will be performed after the first trimester unless the abortion is performed in a licensed hospital, ambulatory surgical center, or in a health facility licensed as an abortion facility by the Department of Community Health. Additionally, an abortion will only be performed by a physician licensed to practice pursuant to Georgia Code. Physician, hospital, or other licensed health facility records will be available to law enforcement agencies within the judicial circuit in which the physician, hospital, or health facility is located. This bill allows that any woman upon whom an abortion is illegally performed may recover damages through civil action.

Part III also requires that the physician, or otherwise qualified agent of the physician, performing the abortion notify the female at least 24 hours before the abortion with the probable gestational age and presence of a human heartbeat of the unborn child at the time the abortion is to be performed. The Department of Public Health will update its materials and other related information to reflect the changes provided in this act.

Except in the cases of medical emergency, no abortion will be performed or attempted to be performed unless the physician performing such procedure has first made a determination of the presence of a human heartbeat of the unborn child. In addition to any criminal or civil penalties provided by law, failure by any physician to conform to the requirements constitutes unprofessional conduct and may result in medical licensing sanctions.

Part IV adds that for the homicide of a child carried in the womb, the right to recover for the full value of the life of such child begins at the point at which a human heartbeat is present.

Part V provides that an unborn child at any stage of development who is carried in the womb qualifies as a dependent minor as it relates to income taxes.

Part VI states that any citizen in Georgia has standing and the right to intervene and defend in any action challenging the constitutionality of any portion of this act, which becomes effective on January 1, 2020.

Authored By: Rep. Ed Setzler (35th)
House Committee: Health & Human Services

Rule Applied: Structured
Committee Action: 03-06-2019 Do Pass by Committee Substitute

Floor Vote: Yeas: 93 Nays: 73

Amendments:

HB 483 Controlled substances; Schedules I, IV, and V; change certain provisions

Bill Summary: HB 483 is the annual narcotics and drug update regarding Schedules I, IV, and V controlled substances to capture new synthetic opiates and synthetic marijuana, commonly known as bath salts.

Authored By: Rep. Ron Stephens (164th)
House Committee: Judiciary Non-Civil

Rule Applied: Modified-Structured
Committee Action: 03-01-2019 Do Pass

Floor Vote: Yeas: 161 Nays: 2

Amendments:

HB 490 Banking and finance; payment of large deposits of deceased intestate depositors and the deposit of sums held for deceased intestate residents; make changes

Bill Summary: HB 490 amends the Code to change deposits relating to deceased depositors. When a person dies without a will and has no more than \$15,000 deposited in a banking institution where deposits are federally insured, the banking institution must receive an affidavit to be authorized to pay the proceeds of the deposit account directly to the surviving spouse. If there is no surviving spouse, the proceeds are authorized to go to the children pro rata; if there are no children or a surviving spouse, the proceeds go to the parents pro rata; and if none of the above exist, the proceeds go to the siblings of the decedent pro rata.

A form affidavit is provided. The affidavit must state that the individuals qualify as the proper relations to the decedent, there is no will, and no other known individual is making a claim to such deposit. If no application is made for the deposit within 45 days of the death of the intestate depositor, the banking institution has authorization to apply no more than \$15,000 of the deposit to the funeral service and expenses associated with the illness which resulted in the patient's death. The banking institution must receive an itemized statement of those expenses and the affidavit of the provider of those services to verify whether they are true, correct, and have not been paid.

The bill provides that these payments will operate as a complete discharge of the banking institution from liability of any suit or claim by any heir, distributee, creditor of the decedent, or any other person. The banking institution may rely on the properly executed affidavit in disbursing these funds.

Authored By: Rep. Jason Ridley (6th)
House Committee: Banks & Banking

Rule Applied: Modified-Open
Committee Action: 03-04-2019 Do Pass

Floor Vote: Yeas: 165 Nays: 1

Amendments:

HB 493 Private Permitting Review and Inspection Act; enact

Bill Summary: HB 493 is the 'Private Permitting Review and Inspection Act' and relates to standards and requirements for construction, alteration, restoration, and any other modifications of buildings and other structures in counties or municipalities. A private professional provider must be a properly certified professional engineer or a professional architect who is not an employee of, affiliated with, or financially interested in the person, firm, or corporation engaged in the construction project to be reviewed or inspected. HB 493 requires a county or municipality which imposes regulatory fees or regulatory requirements within its jurisdiction to make available all documentation related to compliance with those requirements. Upon the receipt and acceptance of any application related to regulatory requirements, the governing authority must notify the applicant whether the governing authority will be able to provide regulatory action within 30 days for plan review or provide inspection services within two business days of receiving a valid written request. If the governing

authority cannot provide services within these time frames, the applicant has the option of retaining, at its own expense, a private professional provider to provide the services. If the applicant elects to utilize the services of a private professional provider, the regulatory fees are reduced by 50 percent with the amount paid to the governing authority upon the completion of the application. If the governing authority determines that regulatory action or inspection services can be provided in the above timeframes, and the applicant chooses to use a private professional provider, the applicant must pay the full amount of the regulatory fees. Any delay in the processing of an application due to causes outside the control of the governing authority, or through fault of the applicant, do not count toward these time frames.

Authored By: Rep. Kevin Tanner (9th)
House Committee: Regulated Industries
Floor Vote: Yeas: 142 Nays: 20

Rule Applied: Modified-Open
Committee Action: 03-04-2019 Do Pass by Committee Substitute
Amendments:

HB 502 Civil practice; continuances for members of the Board of Regents and the Attorney General; revise

Bill Summary: HB 502 amends the criteria under which court continuances shall be granted to accommodate the official duties of members of the Board of Regents of the University System of Georgia, members of the State Board of Education, and the attorney general. For members of the Board of Regents or the State Board of Education, the bill allows for continuances during the board's sessions when the member is otherwise occupied as counsel or party in any court case. Current law requires that the member simply be "engaged" as counsel or party in any case at the time of the board's session. For cases in which the attorney general is of counsel, the bill allows for a continuance if the case is scheduled to be called for any reason, rather than the current "for any purpose," during sessions of the General Assembly or 15 days preceding or following such sessions.

Authored By: Rep. Andrew Welch (110th)
House Committee: Judiciary
Floor Vote: Yeas: 154 Nays: 15

Rule Applied: Structured
Committee Action: 03-01-2019 Do Pass
Amendments:

HB 507 Ad valorem tax; criteria used by tax assessors to determine the fair market value of real property; revise

Bill Summary: House Bill 507 amends O.C.G.A. 48-5-2, relating to definitions regarding ad valorem taxation of property, by revising the definition of "fair market value" to allow assessors to consider rather than utilize data that is available for income producing properties when using the income approach to valuing property.

Authored By: Rep. Michael Wilensky (79th)
House Committee: Ways & Means
Floor Vote: Yeas: 164 Nays: 4

Rule Applied: Structured
Committee Action: 03-01-2019 Do Pass by Committee Substitute
Amendments:

HB 511 Highways, bridges, and ferries; funding sources and a consolidated state entity for the planning and implementation of mobility and transit services; provisions

Bill Summary: House Bill 511 creates the Department of Mobility and Innovation to govern and coordinate transit services across the state. This governance structure employs the establishment of mobility zones and mobility managers. The department will absorb the functions related to the administration, implementation, or coordination of transit services and all federal and state funding relating to those functions that are currently assigned to the Department of Transportation, the Department of Human Services, the Department of Behavioral Health and Developmental Disabilities, and the Department of Community Health.

The legislation requires that sales tax collected on ride-share services be used for transit and transit projects. Also established by this bill is a pilot program for incentives to employers who provide a transit benefit to new employees. House Bill 511 abolishes the Georgia Regional Transportation Authority and transfers employees of the authority to the department. The State Road and Tollway Authority will continue to perform the same functions, but will be administratively attached to the

Department of Mobility and Innovation. Additionally, the Atlanta-region Transit Link (ATL) will also be administratively attached to the department.

Authored By: Rep. Kevin Tanner (9th)
House Committee: Transportation
Floor Vote: Yeas: 159 Nays: 11

Rule Applied: Modified-Structured
Committee Action: 03-05-2019 Do Pass by Committee Substitute
Amendments:

HB 512 Agricultural Commodity Commission for Propane; provide

Bill Summary: House Bill 512 creates the Agricultural Commodity Commission for Propane. The commission will consist of five members, three of whom are elected by the House Committee on Agriculture and Consumer Affairs and two members elected by the Senate Agriculture and Consumer Affairs Committee. All members of the commission must be either a propane dealer or distributor and cannot be a member of the General Assembly.

No more than 10 percent of funds collected can be used for administrative expenses. A referendum is to be held every five years to vote on the continuation of the commission.

Authored By: Rep. Sam Watson (172nd)
House Committee: Agriculture & Consumer Affairs
Floor Vote: Yeas: 150 Nays: 9

Rule Applied: Modified-Open
Committee Action: 03-01-2019 Do Pass
Amendments:

HB 514 Georgia Mental Health Reform and Innovation Commission; create

Bill Summary: House Bill 514 creates the 'Georgia Behavioral Health Reform and Innovation Commission'. The purpose of this commission is to conduct a comprehensive review of the behavioral health system in Georgia. The commission will review the behavioral health services and facilities available in Georgia, the identification of behavioral health issues in children, adolescents, and adults, as well as the role the education system has in the identification and treatment of behavioral health issues. Additionally, the commission will review the impact behavioral health issues have on the criminal justice system, the state's homeless population, delivery of care, access to care, the role of payers in such access, and the impact untreated behavioral illness has on children transitioning into adulthood. The commission will conclude on June 30, 2023.

Authored By: Rep. Kevin Tanner (9th)
House Committee: Health & Human Services
Floor Vote: Yeas: 152 Nays: 10

Rule Applied: Modified-Open
Committee Action: 03-06-2019 Do Pass by Committee Substitute
Amendments:

HB 516 Professions and businesses; profession of professional structural engineer; provide

Bill Summary: HB 516 provides for the profession and licensure of professional structural engineers governed by the Board of Professional Engineers and Land Surveyors. The bill outlaws any persons other than professional structural engineers to practice or offer structural engineering in the state. To be eligible for a certificate of registration as a professional structural engineer, an applicant must meet the following requirements: obtain a certification by the board as an engineer-in-training; has not less than four years' experience in structural engineering that is satisfactory to the board; and subsequently pass a board-approved written exam. Any applicant seeking a certificate of registration as a professional structural engineer prior to January 1, 2021, who already holds a valid certificate of a professional engineer from the board, has a record of primary practice of structural engineering, and is currently engaged in the practice of structural engineering may submit a signed affidavit to the board for the purpose of determining if the qualifications have been met for a certificate of registration as a professional structural engineer.

Authored By: Rep. Vance Smith (133rd)
House Committee: Regulated Industries
Floor Vote: Yeas: 164 Nays: 4

Rule Applied: Modified-Open
Committee Action: 03-04-2019 Do Pass
Amendments:

HB 525 Georgia International and Maritime Trade Center; rename to Savannah Convention Center

Bill Summary: HB 525 changes the name of the Georgia International Maritime Trade Center to the Savannah Convention Center. The bill also creates a state authority, the Savannah-Georgia Convention Center Authority, to operate the center located in Chatham County, Georgia.

The authority has six members appointed by the governor, three members appointed by the Chatham County delegation of the Georgia General Assembly, the president of the Savannah Economic Development Authority, who is an ex-officio member with a vote, and the president of the Savannah Area Convention and Visitors Bureau, who is an ex-officio member with a vote. The appointed members shall serve three-year terms, which stagger over the first three years as follows: three members start with a one-year term, three members start with a two-year term, and three members start with a three-year term. These members shall be appointed by June 1, 2019, and shall take office July 1, 2019.

An executive committee consists of a chairman, vice-chairman, and secretary-treasurer. These positions are elected by the authority members, and five members shall constitute a quorum. Authority members are not entitled to compensation, but are reimbursed for actual costs incurred in performing their duties.

House Bill 525 authorizes the authority to: have a seal; acquire land by purchase, lease, or otherwise; acquire its own name by purchase; employ personnel for administrative duties; make and execute contracts; acquire and manage its own projects logistically and financially; accept funds and/or materials from the state government and federal government; have the ability to lease, sell, exchange, or grant surplus property, both real and personal; inform interested parties on land acquisition and facility developments to take place; procure insurance and liability policies; adopt, change, and repeal its own by-laws; and accept loans limited to \$50 million.

The authority is exempt from paying sales and use taxes on property, and any legal activity shall be brought in the Superior Court of Chatham County. The authority is able to retain any revenue for its own purposes and will be subject to an annual audit of income and expenditures. Should the authority be dissolved for any reason, titles to any property shall be conveyed to the state of Georgia. This authority succeeds the Georgia International and Maritime Trade Center on July 1, 2019.

Authored By:	Rep. Ron Stephens (164th)	Rule Applied:	Modified-Open
House Committee:	Economic Development & Tourism	Committee Action:	03-05-2019 Do Pass
Floor Vote:	Yeas: 165 Nays: 3	Amendments:	

HB 527 Quality Basic Education Formula; change program weights for funding purposes

Bill Summary: House Bill 527 amends O.C.G.A. 20-2-161, relating to the Quality Basic Education Formula, by updating the weights of instructional programs.

Authored By:	Rep. Robert Dickey (140th)	Rule Applied:	Modified-Structured
House Committee:	Education	Committee Action:	03-04-2019 Do Pass
Floor Vote:	Yeas: 170 Nays: 0	Amendments:	

HB 530 Education; prohibit parents or guardians from withdrawing or removing a child from a public school for the purpose of avoiding compliance with laws relating to mandatory attendance, school discipline, parental involvement, or parental responsibilities

Bill Summary: HB 530 requires that the Department of Education provide copies of declarations of intent to utilize home study programs to the local school systems in which the home study program is located. Moreover, if a child is withdrawn from a public school without a declaration of intent and that child stops attending a public school for a period of 45 days, the school must contact the Division of Family and Children Services to conduct an assessment where the purpose is limited to determining whether the withdrawal was to avoid educating the child. Presentation of a filed declaration of intent will satisfy the assessment.

Authored By: Rep. Bill Hitchens (161st)
House Committee: Juvenile Justice

Rule Applied: Modified-Structured
Committee Action: 03-07-2019 Do Pass by Committee Substitute

Floor Vote: Yeas: 135 Nays: 28

Amendments:

HB 540 Housing tax credit; add to the list of tax categories eligible for an offset

Bill Summary: House Bill 540 amends Code Section 33-1-18, relating to the housing tax credit for qualified projects and rules and regulations, by bringing the Georgia low-income housing tax credit in line with the majority state low-income housing tax credit laws by including the insurance retaliatory tax among the credits against the premium tax.

Authored By: Rep. Trey Rhodes (120th)
House Committee: Insurance

Rule Applied: Modified-Structured
Committee Action: 03-06-2019 Do Pass

Floor Vote: Yeas: 149 Nays: 10

Amendments:

HB 543 Domestic relations; equitable caregivers; provide

Bill Summary: House Bill 543 creates a process by which a judge may confer standing to have access to the court in cases involving the care, custody, or welfare of a minor child upon individuals who can demonstrate by clear and convincing evidence that to do otherwise would cause the child to suffer physical or long-term emotional harm. This high bar to have standing as an equitable caregiver can only be met by proving: a permanent, unequivocal, committed, and responsible parental role in the child's life has already been established; this role was fostered or supported by a parent of the child; and the individual seeking standing has a bonded and dependent relationship with the child and has also accepted full and permanent responsibilities of the child without expectation of financial compensation. Equitable caregiver standing will not be available in cases in which the parents of the child are not separated and the child is living with both parents, or if any child welfare and youth services cases involving the child or parents is open with the Division of Family and Children Services of the Department of Human Services. If standing is established, the court may confer certain rights on the child to have contact with the equitable caregiver.

Authored By: Rep. Chuck Efstoration (104th)
House Committee: Judiciary

Rule Applied: Modified-Structured
Committee Action: 03-01-2019 Do Pass by Committee Substitute

Floor Vote: Yeas: 142 Nays: 15

Amendments:

HB 551 Controlled substances; kratom; provisions

Bill Summary: HB 551 regulates "kratom," a tropical evergreen known as mitragyna speciosa that contains the alkaloid mitragynine. It is a misdemeanor to transfer possession to those under the age of 18, or for those under 18-years old to possess or buy it. Moreover, to sell kratom, the packaging must: clearly label ingredients; provide notice that the sale or transfer of possession to those under the age of 18 is prohibited; state the amount of mitragynine in the product; state the name and principal mailing address of the manufacturer; provide clear directions for safe use of the product; and note any precautionary statements to the safety and effectiveness of the product.

Authored By: Rep. Dewayne Hill (3rd)
House Committee: Judiciary Non-Civil

Rule Applied: Modified-Structured
Committee Action: 03-06-2019 Do Pass by Committee Substitute

Floor Vote: Yeas: 164 Nays: 1

Amendments:

HB 553 State Victim Services Commission; bill of rights for foster parents; delete references to an obsolete entity

Bill Summary: HB 553 amends the State Victim Services Commission and the Foster Parent Bill of Rights. The bill reduces the total number of members on the State Victim Services Commission from 15 to 14 by removing the executive director of the Georgia Association of Homes and Services for Children, as well as eliminates the term lengths of its initial members. The bill also eliminates any reference to the Georgia Association of Homes and Services for Children from the regulations regarding the Foster Parent Bill of Rights.

Additionally, this bill repeals the following authorities, boards, councils, and commissions that are inactive: Pacific White Shrimp Aquaculture Development Advisory Council; Georgia Tobacco Community Development Board; Southern Dairy Compact Commission; Heritage Trust Commission; Child Care Council; Georgia Southern University Herty Advanced Material Development Center Advisory Board; Immigration Enforcement Review Board; Private Colleges and Universities Authority; Education Information Steering Committee; Federal and State Funded Health Care Financing Programs Overview Committee; Commission on Men's Health; Renal Dialysis Advisory Council; Arthritis Prevention and Control Program Advisory Panel; Special Advisory Commission on Mandated Health Insurance Benefits; Commission on the Georgia Health Insurance Risk Pool; and the Georgia Silver-Haired Legislature.

The bill also removes the general prohibition of alcohol sales on certain licensed entertainment establishments.

Authored By: Rep. Katie Dempsey (13th)
House Committee: Code Revision

Floor Vote: Yeas: 162 Nays: 0

Rule Applied: Modified-Structured
Committee 03-05-2019 Do Pass by Committee
Action: Substitute
Amendments:

Committee Actions

Bills passing committees are reported to the Clerk's Office and are placed on the General Calendar.

Juvenile Justice Committee

HB 530 Education; prohibit parents or guardians from withdrawing or removing a child from a public school for the purpose of avoiding compliance with laws relating to mandatory attendance, school discipline, parental involvement, or parental responsibilities

Bill Summary: HB 530 requires that the Department of Education provide copies of declarations of intent to utilize home study programs to the local school systems in which the home study program is located. Moreover, if a child is withdrawn from a public school without a declaration of intent and that child stops attending a public school for a period of 45 days, the school must contact the Division of Family and Children Services to conduct an assessment where the purpose is limited to determining whether the withdrawal was to avoid educating the child. Presentation of a filed declaration of intent will satisfy the assessment.

Authored By: Rep. Bill Hitchens (161st)

House Committee: Juvenile Justice

Committee Action:

03-07-2019 Do Pass by Committee Substitute

Committee Meeting Schedule

This meeting schedule is up to date at the time of this report, but meeting dates and times are subject to change. To keep up with the latest schedule, please visit www.house.ga.gov and click on [Meetings Calendar](#).

Friday, March 08, 2019

10:00 AM [FLOOR SESSION \(LD 29\)](#) House Chamber